XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(29)

आदेश पत्रक

मामला क्रमांक ...M.A. No. ...624... सन् 2004

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Appellants : 1.	Chhattisgarh State Electricity Board, Through the Additional Superintending Engineer (O & M) Division, Chhattisgarh State Electricity Board, Raigarh (Chhattisgarh)
	2.	The Executive Engineer, (O & M) Chhattisgarh State Electricity Board, Raigarh (C.G.)
	VERSUS	
	Respondents : 1.	Smt. Nanki Bai Sidhar, Wife of late Babulal Sidhar, aged about 42 years, Resident of Vinobha Nagar, Boirdadar, Raigarh (C.G.)
	2.	The Commissioner for Workmen's Compensation, Labour Court, Raigarh (C.G.)

11.4.2007

Shri Vinod Deshmukh, counsel for the appellants.

Heard.

The appellants have preferred this appeal under Section 30 of the Workmen's Compensation Act, 1923 (Act for brevity) as he is aggrieved by the order dated 28th of June 2004 passed by the Commissioner for Workmen's Compensation Act, Raigarh in Case No. 13 WCA/2004 (Misc.)/(f) whereby the learned Commissioner has imposed a penalty of Rs. 50,000/-

(पाछ देखिये)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(25)

आदेश पत्रक

मामला क्रमांक ...M.A.No.1024/... सन् 2004

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

for delay in depositing the amount of compensation as per provisions of Section 4A sub-section 3 (b) of the Act.

Learned counsel for the appellants submits that after the amount was deposited by the appellants a show cause notice was issued by the Tribunal calling upon the appellants to show cause as to why penalty should not be imposed for delay in depositing the compensation. The appellants replied to the above show cause notice and assigned the reasons for delay. However, without considering the reasons assigned by the appellants for the delay, the above penalty has been imposed and therefore substantial question of law as proposed by the appellants vide I.A. No. 603/2005 dated 02.03.2005 arises for adjudication of this appeal.

I have heard counsel for the appellants.

I have perused the impugned order as also the proposed substantial questions of law. It is not in dispute that the workman died in the course of his employment on 17.06.2003 and the appellants/employer accepting the entitlement of the deceased workman for compensation under the Act, deposited the amount of compensation in the Tribunal on 19.01.2004 i.e. more than five months when the amount of compensation was fell due for penalty.

Sub-section 3(b) of Section 4 A of the Act, vests discretion with the Commissioner to impose penalty not exceeding 50% of such amount in addition to the interest and

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(26)

आदेश पत्रक

मामला क्रमांक ..... M.A. No. 1024/ ..... सन् 2004

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

arrears payable to the claimant if, in his opinion there is no justification for the delay by the employer in making payment of compensation.

The Tribunal after considering the reasons assigned by the appellants in their reply to the show cause notice has imposed penalty of Rs. 50,000/- for delay in payment of compensation amount. The order has been passed by the Tribunal in due exercise of power vested in it and therefore no substantial question of law as proposed by the appellants arises for adjudication in this appeal and accordingly the appeal being devoid of substance is hereby dismissed.

Sd/-
DHIRENDRA MISHRA
Judge

(पीछे देखिये)